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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAULA HAMBLY, an individual,

Plaintiff,

vs.

PROCARE HOSPICE OF NEVADA, LLC a
Nevada entity, and MARK BIRNBAUM, an
individual,

Defendant.

Case No. 2:21-cv-00923-JCM-BNW

**AMENDED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Defendants ProCare Hospice of Nevada, LLC and Mark Birnbaum (“Defendants”) by and through their counsel of record, Jackson Lewis, P.C., and Plaintiff Paula Hambly (“Plaintiff”), by and through her counsel, hereby stipulate to the following Joint Proposed Discovery Plan and Scheduling Order:

Statement Why Longer Time Periods Should Apply

This is an unusual case where counterclaims from an underlying state court action were severed to form a new state court action on April 29, 2021. Defendants then removed the new state court action to federal court on May 12, 2021. *See* ECF No. 1. Plaintiff moved to remand the case on May 17, 2021, and the motion was denied on June 16, 2021. ECF Nos. 6, 10. Thereafter, the Parties held an FRCP 26(f) conference on June 23, 2021. Due to the extensive motion practice that brought this case before this Court, the Parties were delayed in beginning discovery and request that the 180-day discovery period run from the date of the FRCP 26(f) conference.

Stipulated Discovery Plan

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2 1. **Initial Disclosures:** An FRCP 26(f) conference was held on **June 23, 2021**. The
3 initial disclosures to be made pursuant to Fed. R. Civ. P. 26(a)(1) shall be made by **July 7, 2021**.

4 2. **Discovery Cut-Off Date(s):** Discovery will take 180 days, measured from **June**
5 **23, 2021**, which is the date of the Parties' FRCP 26(f) conference. This means all discovery must
6 be completed by **December 20, 2021**.

7 3. **Amending the Pleadings and Adding Parties:** The last day to file motions to
8 amend pleadings or to add parties is **September 21, 2021**, which is not later than ninety (90) days
9 prior to the close of discovery.

10 4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** The disclosure of experts and
11 expert reports shall occur by **October 21, 2021**, which is not later than sixty (60) days before the
12 discovery deadline. Disclosure of rebuttal experts and their reports shall occur by **November 22,**
13 **2021**, which is thirty (30) days after the initial expert disclosures

14 5. **Dispositive Motions:** Dispositive motions may be filed no later than **January 19,**
15 **2022**, which is thirty (30) days after the discovery deadline. In the event that the discovery period
16 is extended from the discovery cut-off date set forth in this Joint Discovery Plan and Scheduling
17 Order, the date for filing dispositive motions shall be extended for the same duration, to be no
18 later than thirty (30) days from the subsequent discovery cut-off date.

19 6. **Pretrial Order:** The pretrial order shall be filed by **February 18, 2022**, which is
20 not later than thirty (30) days after the date set for filing dispositive motions. In the event
21 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until
22 thirty (30) days after the decision of the dispositive motions or until further order of the Court. In
23 the further event that the discovery period is extended from the discovery cut-off date set forth in
24 this Joint Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be
25 extended in accordance with the time period set forth in this paragraph.

26 7. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
27 26(a)(3), and any objections thereto, shall be included in the pretrial order.

1 8. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
2 accordance with Local Rule 26-3, a stipulation or motion for modification or extension of this
3 discovery plan and scheduling order and any deadline contained herein, must be made not later
4 than twenty-one (21) days before the subject deadline.

5 9. **Electronic Filing:** The attorneys of record in this matter are registered for
6 electronic filing with this Court. Any documents electronically filed with this Court are deemed
7 to be sufficiently served on the other party as of the date that the document is electronically filed
8 with the Court.

9 10. **Electronic Information:** The parties do not at this time anticipate any issues
10 about disclosures or discovery of electronically stored information, if any, including the form or
11 forms in which it should be produced. The parties shall meet and confer and otherwise work in
12 good faith with respect to the production of electronically stored information should any dispute
13 arise.

14 11. **Privileged or Protected Documents:** The parties do not know of any issues
15 regarding claims of privilege or protection that need to be specifically addressed at this time.

16 12. **Settlement:** In compliance with LR 26-1(b)(7), settlement has been considered
17 and discussed by the parties, as well as private mediation, as an alternative to the Court's early
18 neutral evaluation conference. Settlement cannot be evaluated at this time.

19 13. **Consent to Magistrate:** In compliance with LR 26-1(b)(8), the parties have
20 considered consenting to the assigned Magistrate Judge, as well as the Short Trial Program, but
21 have not yet reached a decision.

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14. **Electronic Evidence:** In compliance with LR 26-1(b)(9), the parties certify that they have discussed presenting evidence in an electronic format to jurors for the purposes of jury deliberations. They have not reached any stipulations at this time.

Dated this 1st day of July, 2021.

GARG GOLDEN LAW FIRM

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ORDER

IT IS ORDERED that ECF No. 15 is GRANTED.

IT IS FURTHER ORDERED that ECF No. 12 is DENIED as moot.

IT IS SO ORDERED

DATED: 12:30 pm, July 02, 2021

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BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE